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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 06-00189 SBA
)	
Plaintiff,)	STIPULATION TO SCHEDULE
)	HEARING FOR CHANGE OF PLEA AND
v.)	SENTENCING; ORDER EXCLUDING
)	TIME
JOSE CARLOS BATRIZ,)	
)	
Defendant.)	

Plaintiff, by and through its attorney of record, and defendant, by and through his attorney of record, hereby stipulate and ask the Court to find as follows:

1. The government and defendant have reached a negotiated disposition in which defendant would plead guilty to an information pursuant to a binding plea agreement.

2. Accordingly, the parties hereby submit the proposed plea agreement, submitted under separate cover for the Court's consideration pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C). The parties further stipulate and request that the Court find and order the following:

(a) That the parties have submitted a plea agreement for the Court's consideration pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), and that a hearing for change of plea and imposition of judgment and sentence be scheduled for 10:00 a.m. on

September 11, 2007; and that the time period from June 19, 2007, through September 11, 2007, is excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(1)(I) because that period of delay results from consideration by the Court of a proposed plea agreement entered into by the defendant and the government pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C).

IT IS SO STIPULATED.

DATE: June 6, 2007

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

/s/¹

GARTH HIRE
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

DATE: June 6, 2007

/s/

MARY McNAMARA, ESQ.

Counsel for Jose Carlos Batriz

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

A hearing for change of plea and imposition of judgment and sentence is hereby scheduled for 10:00 a.m. on September 11, 2007. Time is excluded for purposes of the Speedy Trial Act from June 19, 2007, through the hearing date of September 11, 2007, pursuant to 18 U.S.C. § 3161(h)(1)(I) because that period of delay results from consideration by the Court of a proposed plea agreement entered into by the defendant and the government pursuant to Federal

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¹ I hereby attest that I have on file all the holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this e-filed document.

1 Rule of Criminal Procedure 11(c)(1)(C). The United States Probation Office is ordered to
2 prepare a Presentence Report for defendant.

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4 DATED: 6/18/07


5 HONORABLE SAUNDRA BROWN ARMSTRONG
6 UNITED STATES DISTRICT JUDGE
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